

BL O/723/18

TRADE MARKS ACT 1994

IN THE MATTER OF TRADE MARK APPLICATION 3246884

BY

BRITISH ASIAN ACHIEVERS AWARDS LTD.

TO REGISTER THE FOLLOWING TRADE MARK IN CLASSES 16, 35 AND 41:



AND

OPPOSITION THERETO (NO. 410861)

BY

ASIAN BUSINESS PUBLICATIONS LTD

Background and pleadings

1. British Asian Achievers Awards Ltd. (the applicant) applied to register the trade mark:



in the UK on 28 July 2017. It was accepted and published in the Trade Marks Journal on 01 September 2017, in respect of the following goods and services:

Class 16: Printed Publications.

Class 35: Advertising and promotion services and information services relating thereto; all provided in magazines or electronic publications; business networking services; arranging, organising of events for commercial and advertising purposes.

Class 41: Hosting Awards, conducting of culture events, organisation of entertainment and cultural events, arranging and conducting conferences; organisation of ceremonial events; community and culture events.

2. Asian Business Publications Ltd (the opponent) oppose the trade mark on the basis of Section 5(2)(b) of the Trade Marks Act 1994 (the Act). The opposition is raised against all of the goods and services applied for. The opposition is based on an earlier UK Trade Mark, namely:

3. UK 3191870, filed on 18 October 2016 and registered on 13 January 2017, for the mark:



4. The earlier mark is registered for the following goods, all of which are relied upon in this opposition:

Class 16: Printed Publications.

Class 35: Advertising and promotion services and information services relating thereto; all provided in magazines or electronic publications; business networking services; arranging, organising of events for commercial and advertising purposes.

Class 41: Hosting awards; conducting of cultural events, organisation of entertainment and cultural events; arranging and conducting conferences; organisation of ceremonial events; organising community and cultural events.

5. In its statement of grounds, the opponent claims that:

- The marks at issue are visually, phonetically and conceptually similar, such that there is a likelihood of confusion on the part of the public.

6. In its counterstatement:

- The applicant refers to related proceedings before IPEC which appear to be focussed on the matter of passing off. The applicant suggests that this action has likely been abandoned by the Opponent and will be concluded shortly.

- The applicant focusses on the opposition to hand and the claim under Section 5(2)(b), that the marks are similar, and that all of the goods and services applied for are similar or identical.
- The applicant entirely rejects the opponent's case. It states the marks are only visually similar to a limited degree, comprising of different figurative elements and highly descriptive word elements. The applicant states that the dominant element in the opponent's mark are the words 'ASIAN ACHIEVERS AWARDS', which are as descriptive as the word elements in their applied for mark.
- The applicant adds that the inherent distinctiveness in their applied for mark rests in the overall figurative design, and that the distinctiveness in the mark is limited, due to the descriptive nature of the words 'BRITISH ASIAN ACHIEVERS AWARDS'. It claims that the inherent distinctiveness of the opponent's earlier mark is even lower, as the word elements in that mark are both dominant in the mark, and highly descriptive.
- The applicant states that the opponent does not use the earlier mark as registered.
- The applicant refers to the decision of the CJEU (Court of Justice of the European Union) in *Sabel v Puma* [1997] E.C.R. I-6191 (paras 23 and 25), where the court found that the average consumer perceives the mark as a whole and does not proceed to analyse its various details. The applicant adds that it has also been held that it is not appropriate to concentrate on the similarities between marks to the exclusion of the differences between them.
- The applicant suggests (in paragraph 16 of the continuation sheet with the TM8) that the opponent's relevant public is likely to be South Asian in origin, in particular Gujarati and not necessarily domiciled in the UK, whilst the applicant's goods and services are targeted broadly at the UK's Asian heritage population.

- The applicant refers to EU trade mark 9537176 for the mark:



in support of a claim that there are a “substantial number of other operators promoting awards ceremonies aimed at the UK’s Asian heritage population”. It claims that as there are other undertakings providing such services, the relevant public will be “sufficiently astute to notice the differences that exist between the applicant’s and opponent’s marks”.

- The applicant refers to the principle of interdependency and states that “whilst there is a significant similarity between the parties’ goods and services, the limited inherent distinctiveness of the opponent’s mark and the low level of visual similarity between the marks, the average aural similarity and limited conceptual similarity would mean that the public could not be confused by the applicant’s mark irrespective of any consideration of interdependence”.
- The applicant claims that, if the figurative aspects of each mark were to be removed, leaving just the verbal elements, it is highly unlikely that either mark would be found to be registrable. Referring to *Wagamama v City Centre Restaurants* [1995] F.S.R. 713, it adds that, were it the case that the applicant’s mark brought to mind the opponent’s mark, this would not be, in and of itself, sufficient to establish a likelihood of association for the purposes of Section 5(2)(b),.

7. Both parties submitted written submissions and evidence, which will be referred to in this decision as and when necessary.

8. No hearing was requested and so this decision is taken following a careful perusal of the papers.
9. The applicant has represented itself throughout the proceedings and the opponent has been professionally represented by Harold Benjamin Solicitors.

Decision

Section 5(2)(b) of the Act

10.5(2)(b) of the Act states:

“(2) A trade mark shall not be registered if because –

(a) ...

(b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected,

there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark.”

11. The following principles are gleaned from the decisions of the Court of Justice of the European Union (“the CJEU”) in *Sabel BV v Puma AG*, Case C-251/95, *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc*, Case C-39/97, *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* Case C-342/97, *Marca Mode CV v Adidas AG & Adidas Benelux BV*, Case C-425/98, *Matratzen Concord GmbH v OHIM*, Case C-3/03, *Medion AG v. Thomson Multimedia Sales Germany & Austria GmbH*, Case C-120/04, *Shaker di L. Laudato & C. Sas v OHIM*, Case C-334/05P and *Bimbo SA v OHIM*, Case C-591/12P.

The principles

(a) The likelihood of confusion must be appreciated globally, taking account of all relevant factors;

(b) the matter must be judged through the eyes of the average consumer of the goods or services in question, who is deemed to be reasonably well informed and reasonably circumspect and observant, but who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has kept in his mind, and whose attention varies according to the category of goods or services in question;

(c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details;

(d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components, but it is only when all other components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements;

(e) nevertheless, the overall impression conveyed to the public by a composite trade mark may be dominated by one or more of its components;

(f) however, it is also possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;

(g) a lesser degree of similarity between the goods or services may be offset by a great degree of similarity between the marks, and vice versa;

(h) there is a greater likelihood of confusion where the earlier mark has a highly distinctive character, either per se or because of the use that has been made of it;

(i) mere association, in the strict sense that the later mark brings the earlier mark to mind, is not sufficient;

(j) the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense;

(k) if the association between the marks creates a risk that the public might believe that the respective goods or services come from the same or economically-linked undertakings, there is a likelihood of confusion.

Comparison of goods and services

12. The parties’ respective specifications are:

Earlier mark	Application
<p>Class 16: Printed Publications.</p> <p>Class 35: Advertising and promotion services and information services relating thereto; all provided in magazines or electronic publications; business networking services; arranging, organising of events for commercial and advertising purposes.</p> <p>Class 41: Hosting Awards, conducting of culture events, organisation of entertainment and cultural events, arranging and conducting conferences; organisation of ceremonial events;</p>	<p>Class 16: Printed Publications.</p> <p>Class 35: Advertising and promotion services and information services relating thereto; all provided in magazines or electronic publications; business networking services; arranging, organising of events for commercial and advertising purposes.</p> <p>Class 41: Hosting Awards, conducting of culture events, organisation of entertainment and cultural events, arranging and conducting conferences; organisation of ceremonial events; community and culture events.</p>

organising community and culture events.	
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13. The specifications are almost identically worded. It follows therefore that the goods and services at issue are identical.

Average consumer and the purchasing act

14. The average consumer is deemed to be reasonably well informed and reasonably observant and circumspect. For the purpose of assessing the likelihood of confusion, it must be borne in mind that the average consumer's level of attention is likely to vary according to the category of goods or services in question: *Lloyd Schuhfabrik Meyer, Case C-342/97*.

15. In *Hearst Holdings Inc, Fleischer Studios Inc v A.V.E.L.A. Inc, Poeticgem Limited, The Partnership (Trading) Limited, U Wear Limited, J Fox Limited*, [2014] EWHC 439 (Ch), Birss J. described the average consumer in these terms:

“60. The trade mark questions have to be approached from the point of view of the presumed expectations of the average consumer who is reasonably well informed and reasonably circumspect. The parties were agreed that the relevant person is a legal construct and that the test is to be applied objectively by the court from the point of view of that constructed person. The words “average” denotes that the person is typical. The term “average” does not denote some form of numerical mean, mode or median.”

16. The average consumer of printed publications will likely be a member of the general public, but may also be a professional consumer in a specific field of interest.

17. The selection of these types of goods is largely a visual process, as the average consumer will wish to see the goods and assess content and suitability. I do not, however, ignore the potential for the marks to be spoken in a retail establishment or when making a purchase over the telephone. However, in those circumstances, the

consumer will generally have had an opportunity to view the goods and therefore, when considering the aural impact of the marks, the visual impression of these goods will already have played a part in the consumer's mind.

18. As the goods at issue are day to day items, the average consumer will pay no more than a medium level of attention during their selection.
19. The services at issue are more specialised and will generally not be selected without a reasonable amount of care and attention being paid by the average consumer.
20. The average consumer of advertising and promotion services; business networking services; arranging, organising of events for commercial and advertising purposes; Hosting Awards, conducting of culture events, organisation of entertainment and cultural events, arranging and conducting conferences; organisation of ceremonial events; organising community and culture events; will be a professional consumer more often than not, but may also be a member of the general public where the advertising involves services such as classified advertisements utilised in the buying and selling of items. In the selection and purchase of e.g. event organisation; business networking; hosting awards; the average consumer will be a professional person who will take time and care in the selection of a provider and will display a higher than normal degree of attention during that process. The general public consumer will however pay no more than the normal degree of attention in the selection of e.g. advertising services.
21. These services will generally be selected visually, through high street signage and online website use, however I cannot dismiss the potential aural impact, where such services are considered and selected based on word of mouth recommendations and through e.g. radio advertisements. The applicant has claimed that the opponent's consumer base would likely be of South Asian, Gujarati origin and not necessarily domiciled in the UK. This has not been supported in evidence and nothing within the mark or the goods and services supports that claim. The applicant's submission in that respect does nothing therefore, to affect my assessment of either the average UK consumer or the purchasing act undertaken, for the purposes of this decision.

Comparison of marks

22. It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural and conceptual similarities of the marks must be assessed by reference to the overall impressions created by the marks, bearing in mind their distinctive and dominant components. The CJEU stated at paragraph 34 of its judgment in Case C-591/12P, *Bimbo SA v OHIM*, that:

“.....it is necessary to ascertain, in each individual case, the overall impression made on the target public by the sign for which registration is sought, by means of, inter alia, an analysis of the components of a sign and of their relative weight in the perception of the target public, and then, in the light of that overall impression and all factors relevant to the circumstances of the case, to assess the likelihood of confusion.”

23. It would be wrong, therefore, to artificially dissect the trade marks, although, it is necessary to take into account the distinctive and dominant components of the marks and to give due weight to any other features which are not negligible and therefore contribute to the overall impressions created by the marks.

24. The respective trade marks are shown below:

Earlier mark	Contested trade mark
 The logo for 'ASIAN ACHIEVERS AWARDS' features the words 'ASIAN ACHIEVERS' in red and 'AWARDS' in large, bold black letters. A red swoosh with a crown icon at its end curves under the text.	 The logo for 'BRITISH ASIAN ACHIEVERS AWARDS' is set against a black background. It features a gold crown at the top, with the words 'BRITISH ASIAN ACHIEVERS' in a gold arch above it. Below the crown is a white stylized figure, and the word 'AWARDS' is written in gold at the bottom.

25. The opponent's mark is comprised of the words 'ASIAN ACHIEVERS AWARDS' in red and black lettering, combined with a figurative curved ribbon like device, with a red oval topped with a small black crown. Due to the size and prominence of the words, it is the word element which carries most weight. Whilst the figurative elements cannot be overlooked, the overall impression in the mark is dominated by the words 'ASIAN ACHIEVERS AWARDS'.

26. The applicant's mark is comprised of the words 'BRITISH ASIAN ACHIEVERS AWARDS' presented in gold lettering, combined with a number of figurative elements including a large stylised letter 'A' (although this element may not be perceived to be a letter at all) and a fanciful line-drawn crown in white and gold. All of these elements make a roughly equal contribution to the overall impression of the mark and neither element dominates the other. Therefore, the overall impression lies in the totality of the mark.

Visual similarity

27. Visually, the respective marks are similar in that they both share the words 'ASIAN ACHIEVERS AWARDS'. The marks differ visually in the verbal element 'BRITISH' and, where it is perceived as such, a large stylised letter 'A' of the later mark, which have no counterpart in the earlier mark. The marks also differ in the figurative elements present in each, in the use of red and black lettering in the earlier mark as opposed to gold lettering in the later mark, and in the overall presentation of the verbal elements in each mark. The marks are considered to be visually similar to a low degree.

Aural similarity

28. Aurally, both of the marks contain the words 'ASIAN ACHIEVERS AWARDS'. These words will be articulated in the conventional manner, with the enunciation of each of the verbal elements in turn. The later mark also contains the word 'BRITISH' and, where it is perceived as such, a stylised letter 'A'. For the purposes of an aural comparison, it is reasonable to conclude that generally the highly stylised letter 'A' in the applied for mark will not be articulated by the average consumer (if indeed that

element is even perceived to be a letter 'A'). Consequently, the only verbal difference between the marks at issue is the word 'BRITISH'. Whilst this element is placed at the beginning of the later mark, this does not diminish the finding of aurally identity between the rest of that mark and the earlier mark. As such these marks are found to be aurally similar to a high degree.

Conceptual similarity

29. The earlier mark consists of the verbal elements 'ASIAN ACHIEVERS AWARDS' in combination with a red ribbon effect design, an oval red shape and a small black crown. The applied for mark is comprised of the words 'BRITISH ASIAN ACHIEVERS AWARDS', a figurative crown element and a large stylised letter 'A'. Both marks convey the concept of an award ceremony or award event focussing on Asian achievement. The later mark also includes the word 'BRITISH' which will simply serve to indicate that the award event for Asian achievers is aimed at, or about, British Asians. Whilst it is the case that both marks contain a crown device, which may be perceived to indicate or suggest a quality standard, the crown in the earlier mark is extremely small and may not be recognised as such by the relevant public. The large letter 'A' (if indeed that element is perceived as such) in the later mark may be perceived as indicating Asia or Achiever. Alternatively, it may not be seen to convey any message at all. The additional presentational elements in the marks do not carry any conceptual message. As the overriding concept of both marks is essentially the same, the marks are found to be conceptually similar to a high degree.

30. In conclusion, the marks are found to be aurally and conceptually similar to a high degree and visually similar to a low degree.

Distinctive character of the earlier trade mark

31. In *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV*, Case C-342/97 the CJEU stated that:

“22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in Joined Cases C-108/97 and C-109/97 *Windsurfing Chiemsee v Huber and Attenberger* [1999] ECR I-0000, paragraph 49).

23. In making that assessment, account should be taken, in particular, of the inherent characteristics of the mark, including the fact that it does or does not contain an element descriptive of the goods or services for which it has been registered; the market share held by the mark; how intensive, geographically widespread and long-standing use of the mark has been; the amount invested by the undertaking in promoting the mark; the proportion of the relevant section of the public which, because of the mark, identifies the goods or services as originating from a particular undertaking; and statements from chambers of commerce and industry or other trade and professional associations (see *Windsurfing Chiemsee*, paragraph 51).”

32. The opponent has made no claim that its earlier mark has acquired an enhanced degree of distinctive character. I must therefore assess the mark purely on its inherent distinctive character.

33. In *Kurt Geiger v A-List Corporate Limited*, BL O/075/13, Mr Iain Purvis Q.C., sitting as the Appointed Person, observed that the level of ‘distinctive character’ is only likely to increase the likelihood of confusion to the extent that it resides in the element(s) of the marks that are identical or similar. He said:

“38. The Hearing Officer cited *Sabel v Puma* at paragraph 50 of her decision for the proposition that ‘the more distinctive it is, either by inherent nature or by use, the greater the likelihood of confusion’. This is indeed what was said in *Sabel*. However, it is a far from complete statement which can lead to error if applied simplistically.

39. It is always important to bear in mind what it is about the earlier mark which gives it distinctive character. In particular, if distinctiveness is provided by an aspect of the mark which has no counterpart in the mark alleged to be confusingly similar, then the distinctiveness will not increase the likelihood of confusion at all. If anything it will reduce it.”

34. In this instance, the common verbal elements ‘ASIAN ACHIEVERS AWARDS’ can be said to have a link or association with the goods and services at issue, where those goods and services are intended to be used in connection with award ceremonies celebrating Asian achievement.

35. Whilst the verbal elements in the opponent’s mark might be said to have a low degree of distinctive character, when the mark is taken as a whole, and the stylisation and figurative elements in the mark are considered in combination with the words, the mark is found to have a normal degree of inherent distinctive character.

Likelihood of Confusion

36. The factors assessed so far have a degree of interdependency (*Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer Inc*, paragraph 17), a global assessment of them must be made when determining whether there exists a likelihood of confusion (*Sabel BV v. Puma AG*, paragraph 22). However, there is no scientific formula to apply. It is a matter of considering the relevant factors from the viewpoint of the average consumer and determining whether they are likely to be confused.

37. Confusion can be direct (which effectively occurs when the average consumer mistakes one mark for the other) or indirect (where the average consumer realises the marks are not the same, but puts the similarity that exists between the marks/services down to the responsible undertakings being the same or related).

38. The marks have been found to be aurally and conceptually similar to a high degree and visually similar to a low degree.

39. The goods and services at issue have been found to be identical.
40. During the selection process the visual impact of the marks will carry the most weight in the mind of the average consumer however the aural and conceptual impacts of the marks cannot be dismissed.
41. Due to the clear and obvious visual differences between the marks at issue, I am satisfied that direct confusion will not occur. The relevant public will not mistake one of these marks for the other.
42. Having found that there is no direct confusion between the marks, I must consider the possibility of indirect confusion.
43. Mr Iain Purvis QC, sitting as the Appointed Person, in *L.A. Sugar Limited v By Back Beat Inc*, Case BL-O/375/10 noted that:

“16. ...Indirect confusion, on the other hand, only arises where the consumer has actually recognized that the later mark is different from the earlier mark. It therefore requires a mental process of some kind on the part of the consumer when he or she sees the later mark, which may be conscious or subconscious but, analysed in formal terms, is something along the following lines: “The later mark is different from the earlier mark, but also has something in common with it. Taking account of the common element in the context of the later mark as a whole, I conclude that it is another brand of the owner of the earlier mark.

17. Instances where one may expect the average consumer to reach such a conclusion tend to fall into one or more of three categories:

(a) where the common element is so strikingly distinctive (either inherently or through use) that the average consumer would assume that no-one else but the brand owner would be using it in a trade mark at all. This may apply even where the other elements of the later mark are quite distinctive in their own right (“26 RED TESCO” would no doubt be such a case).

(b) where the later mark simply adds a non-distinctive element to the earlier mark, of the kind which one would expect to find in a sub-brand or brand extension (terms such as “LITE”, “EXPRESS”, “WORLDWIDE”, “MINI” etc.).

(c) where the earlier mark comprises a number of elements, and a change of one element appears entirely logical and consistent with a brand extension (“FAT FACE” to “BRAT FACE” for example).”

44. These examples are not exhaustive, but provide helpful focus.

45. I have found that direct confusion will not occur when the average consumer is faced with one of the marks to hand, having previously encountered the other. I go on now to consider then, whether that consumer, having recognized that the marks are different, considers the common elements of both marks and determines, through a mental process, that the marks are related and originate from the same, or an economically linked undertaking.

46. Notwithstanding the visual differences between the marks, the phonetic and conceptual similarities are striking and immediately obvious.

47. In the witness statement of Manoj Kumar, Director of the applicant company, it is claimed that the aural difference between the marks is significant, as the applied for mark begins with the word ‘BRITISH’, an element that is not shared by the earlier mark. It is also claimed in Mr Kumar’s witness statement, that the concepts found in the marks are quite different.

48. In its submissions, the applicant referred to a different consumer demographic, claiming that the opponent’s relevant public was likely to be South Asian in origin, in particular Gujarati, and not necessarily domiciled in the UK, whilst the applicant’s goods and services are targeted broadly at the UK’s Asian heritage population.

49. In the witness statement of Mr Iyer, on behalf of the opponent, it is claimed that the replicated use of the three words ‘ASIAN ACHIEVERS AWARDS’ and the iteration of

the three 'A's (AAA) is enough to ensure that consumers will assume a link and be confused.

50. I reject the claim of the applicant that the relevant consumer of the parties differs and that the opponent's relevant public is likely to be South Asian in origin, in particular Gujarati, and not necessarily domiciled in the UK. The applicant has not provided any evidence to support this claim. There is nothing in the mark itself, or in the list of goods and services, to support this claim. On the contrary, I find that the opponent's earlier mark is a UK registered right which extends across the entire UK territory and, as such, will be of interest to a very broad range of consumers. I do accept, due to the use of the word 'ASIAN' in the mark, that the relevant public is likely to be Asian in ethnicity, but that this public encompasses the entire UK based Asian population, for the purposes of this case.

51. I do find the arguments made by the opponent, with regard to the identical use of the words 'ASIAN ACHIEVERS AWARDS' to be persuasive. The use identically of three words consecutively, all beginning with the letter 'A' creates an aural impact which resonates. The descriptive meaning of these words also creates a clear and obvious conceptual identity. The inclusion of the word 'BRITISH' does little, if anything, to diminish the conceptual impact of the shared verbal expression.

52. Additionally, the use of the word 'ACHIEVERS' in both marks is, to my mind, a fairly abstract choice. Whilst the word has a clear meaning, in the context of the marks as a whole, I find the term to be allusive and vague. There is no indication as to what has been achieved, which field of interest the awards are focussed on, or who the achievers might be. The potential recipient of an award might be a business man or woman, or it may be a child who has done well academically. The applicant has claimed that the verbal elements in the marks to hand are descriptive, and, whilst this may be true to a point, I find the word 'ACHIEVERS' to be suggestive and not entirely descriptive, inasmuch as the nature of the awards at issue is unclear. The terms 'ASIAN ENTREPRENEUR AWARDS' or 'BRITISH ASIAN BUSINESS AWARDS' for example, would clearly and immediately set the scene in respect of the nature of an awards ceremony, in a way that the marks to hand simply are not capable of doing.

53. Consequently, I find that the shared use of the term 'ACHIEVERS' will catch the attention of the relevant public and will be retained as a somewhat unusual and vague expression. Whilst not leading to direct confusion, due to the visual differences between the marks, I believe that this element, in conjunction with the highly similar conceptual and aural impacts of the marks, when considered in totality, and the identical nature of the goods and services, will lead the average consumer to believe that the undertakings providing these goods and services are the same or are economically linked in some way.

54. Taking all of this into consideration, I conclude that the marks at issue will be indirectly confused by the average consumer.

Conclusion

55. As there is a likelihood of confusion, the opposition succeeds in full. The application is, subject to appeal, refused.

Costs

56. The opponent has been successful and is entitled to a contribution towards its costs.

57. I bear in mind that the relevant scale is contained in Tribunal Practice Notice ("TPN") 2/2016. I award costs to the opponent as follows:

Official fee for Opposition	£100
Preparing a statement of case and considering the counterstatement:	£200
Preparing evidence and considering and commenting on the other side's evidence	£500
<u>Total</u>	<u>£800</u>

58.I therefore order British Asian Achievers Awards Ltd to pay Asian Business Publications Ltd the sum of £800. The above sum should be paid within 14 days of the expiry of the appeal period or, if there is an appeal, within 14 days of the conclusion of the appeal proceedings.

Dated this 13th day of November 2018

Andrew Feldon

For the Registrar

The Comptroller-General